

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants - Sri Devaiah, former Tahsildar, Alampur Mandal, Mahabubnagar District (now retired) - Committed certain irregularities in issuing fake "No earning member certificate - Departmental proceedings initiated - Enquiry - Report - Show Cause Notice - Explanation - Imposition of punishment 20% cut in pension for a period of three (3) years under rule 9 of AP Revised Pension Rules, 1980 - Orders - Issued.

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REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No. 1478

Dated:13.10.2012.

Read the following:

1. From the C.C.L.A., Lr. Ref.No.VSI(4)/1908/2010, dt.02.11.2010.
2. Government Memo.No.51767/Vig.II(2)/2010-1, dt.29.6.2011.
3. Representation of Sri Devaiah, former Tahsildar (retd), dt.19.7.2011.
4. Government Memo.No.51767/Vig.II(2)/2010-4, dt.01.12.2011.
5. Representation of Sri Devaiah, former Tahsildar (Retd), dt.31.12.2011.
6. Government Letter.No.51767/Vig.II(2)/2010-6, dt.09.08.2012.
7. From the Secretary (I/c), APPSC, Lr.No.1698/RT/2/2012, dt.15.9.2012.

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ORDER:-

It has been brought to the notice of the Government that Sri Devaiah, while working as Tahsildar, Alampur Mandal has committed irregularities in issuing fake "No earning Member" certificate to one Kum. Suchitra, sister of late A.Raviteja, R/o Alampur, though Sri A.Jaya Raju, father of late Raviteja is a Government employee. On the said irregularities, the District Collector, Mahabubnagar has initiated disciplinary proceedings by framing charges against him vide his proc.No.A4/259/2009, dt.26.6.2010. After receipt of the written statement of defence denying the charges, the Joint Collector, Mahabubnagar was appointed as Enquiry Officer. The Enquiry Officer has submitted enquiry report stating that the delinquent officer has issued No earning member certificate though there is an earning member in the family without proper enquiry and for the reasons best known to him and the charges are held proved. While furnishing the proposals along with the enquiry report submitted by the Joint Collector, Mahabubnagar, the Chief Commissioner of Land Administration, Hyderabad has stated that the Charged Officer has retired from service on 03.05.2010 and requested the Government to conclude the disciplinary proceedings against the Mandal Revenue Officer under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 through the reference 1st read above.

2. In the reference 2nd read above, a copy of the enquiry report was communicated to Sri Devaiah, formerly Tahsildar, Alampur, Mahabubnagar District (now retired) to offer his representation on the findings of the Enquiry Report. In the reference 3rd read above, Sri Devaiah, former Tahsildar (now Retired) has submitted his explanation stating that the District Collector, Mahabubnagar vide his letters dated 4.3.2009 and 15.10.2009, directed him to submit his explanation on issue of "No earning member certificate" to Kum.Suchitra (petitioner) sister of late A.Ravi Teja, Jc.7224/PC 664 Grey Hounds, Hyderabad who was killed in operational duties at Chitra Konda P.S.Limit of Malkangiri District of Orissa State and the petitioner father found as Government employee. He had submitted his explanations dated 7.5.2009 and 11.11.2009 stating that "No earning member certificate" was issued in favour of Kum.Suchitra on good faith on the strength of certification made by Additional Revenue Inspector, Alampur

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and as per affidavit with notary submitted by the Sri A.Jaya Raju (Father of the deceased) and Kum.A.Suchitra sister of the deceased. Further, in the month of January, 2009, he was busy in revision of Electoral Rolls and EPIC programme in which he had discharged legitimate duty as Assistant Electoral Registration Officer, Alampur Assembly Constituency and (8) Nagarkurnool Parliamentary Constituency. Further, due to other General work in the Mandal at the time he could not verify the inquiry report submitted by the Revenue Inspector, Alampur and other supported documents produced by the petitioner. Unfortunately the 'No earning member' certificate was issued by him through over sight. He has further submitted that the Government of Andhra Pradesh, vide Memo No.36780/SC-A/A1/2009-2, dated 15.3.2010 accepted the recommendation of the sub committee and ordered for providing employment to Kum.Suchitra sister of late A.Ravi Teja on compassionate grounds as a special case. Accordingly, she has been appointed as Junior Assistant at Tahsil Office, Wadepally Mandal vide District Collector, Mahabubnagar Proceedings dated 27.5.2010 and 31.5.2010. He has therefore, requested the Government to drop the disciplinary action against him.

3. After careful examination of the matter keeping in view the findings of the Enquiry Officer and the explanation of the Delinquent Officer, Government have provisionally decided to impose a punishment of 50% cut in pension for a period of three (3) years on Sri Devaiah, former Tahsildar, Alampur (now retired). Accordingly, a show cause notice was issued to Sri Devaiah, former Tahsildar (now Retired) to submit his representation to Government on the proposed punishment vide reference 4th read above.

4. In the reference 5th read above, Sri Devaiah, former Tahsildar (now Retired) has submitted his representation stating that he worked as Tahsildar, Alampur Mandal from 11.06.2007 to 19.02.2009 and "No earning Member certificate was issued vide Ref.No.D/63/2009, dated 08.01.2009 in favour of Kum.Suchitra, sister of late A.Raviteja basing on the enquiry report submitted by the Additional Mandal Revenue Inspector, Alampur as it was not practically possible for the Tahsildar in a Mandal to conduct enquiries personally on each and every application in view of the multifarious duties entrusted to him. Further, Kum.Suchitra, sister of late A.Raviteja was appointed as Junior Assistant on compassionate grounds in Mahabubnagar District Revenue Establishment by the Collector, Mahaboobnagar on 31.05.2010, based on the recommendation of the sub committee but not on the basis of the "No Earning Member Certificate" issued by him. Thus, no loss has been caused to the Government, since the said certificate was not utilized by the applicant. Hence, he has stated that the proposed punishment is heavy and it will make his retired life gloomy and requested to re-consider the provisional decision taken to impose the punishment of 50% cut in pension for a period of (3) years and drop further action against him.

5. The Delinquent Officer has himself concede the fact that the 'No earning member certificate' was improperly given in favour of Kum. Suchitra, since the father of the deceased employee (late Sri Raviteja) was a Government Employee. The Delinquent Officer cannot advance the plea that such a certificate was given routinely on the recommendations of the subordinate field official (Mandal Revenue Inspector). He has clearly stated in his explanation to the charge memo that he knew that the applicant as well as the deceased are the off springs from the first marriage of one Sri Jayaraju who is a Government Employee. Hence he should not have issued a factually incorrect certificate which enable the applicant to claim compassionate appointment irregularly. Hence, the Delinquent Officer is squarely guilty of the charge.

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5. However, after careful examination of the entire matter, Government have decided that a punishment of 20% cut in pension for a period of three (3) years instead of the 50% cut in pension for a period of three (3) years as was originally proposed, on Sri Devaiah, former Tahsildar (now retired) would serve the ends of justice. Accordingly, Government in consultation with the Andhra Pradesh Public Service Commission, hereby impose a punishment of 20% cut in pension for a period of three (3) years on Sri Devaiah, former Tahsildar, Alampur Mandal, Mahabubnagar District (now retired). A copy of the Andhra Pradesh Public Service Commission concurrence is enclosed herewith.

6. The Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration,
A.P., Hyderabad.
The District Collector, Mahabubnagar.
Sri Devaiah, former Tahsildar, Alampur (Mandal),
Mahabubnagar District (now retired) **through**
District Collector, Mahabubnagar District.
The Secretary, Andhra Pradesh Public Service Commission,
Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
S.f./S.c.

// FORWARDED :: BY ORDER //

SECTION OFFICER